

## Remarks

Claims 1, 3, 6, 8-12, and 15-16 are pending in the present application.

Reconsideration and allowance are requested in view of the above amendments and the remarks below. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

Claims 1, 3, 6, 9, and 11-12 are rejected under 35 U.S.C. 103(a) over Jobst et al. (U.S. Patent No. 6,707,915), hereafter "Jobst," in view of Koukoulidis et al. (U.S. Patent Publication No. 2003/0123669), hereafter "Koukoulidis" and Stephenson et al. (U.S. Patent No. 6,119,000), hereafter "Stephenson." Claims 8, 10, 15, and 16 are rejected under 35 U.S.C. 103(a) over Jobst in view of Berry et al. (U.S. Patent Publication No. 2001/0039620), hereafter "Berry." These rejections are defective because the references of Jobst, Koukoulidis, Stephenson, and Berry, taken alone or in any combination, fail to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

In this case, the rejection is defective because, *inter alia*, the references of Jobst, Koukoulidis, Stephenson, and Berry, taken alone or in any combination, fail to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a).

Claim 1 sets forth:

“A text messaging system for the encryption of a text message sent to a wireless terminal equipment, the text message comprising a Short Message Service (SMS) message having a User Data Header (UDH) and a text data field, the text messaging system comprising:

means for storing an equipment identification number uniquely assigned to the wireless terminal equipment, wherein the assigned equipment identification number is an International Mobile Equipment Identity (IMEI) number of the wireless terminal equipment;

means coupled to the equipment identification number storing means for encrypting the text data field content of the SMS message using only the IMEI number assigned to the wireless terminal equipment as the shared key; and

means for setting an encryption identifier in an Information Element (IE) group of the UDH of the SMS message, the encryption identifier comprising a marker in an IE data field, the IE group further comprising an Information Element Identifier (IEI) field set to indicate a presence of the marker, and an Information Element Data Length (IEDL) field set to indicate a length of the marker.”

As admitted by the Examiner, both Jobst and Koukoulidis fail to disclose the

claimed “means for setting an encryption identifier in an Information Element (IE) group of the UDH of the SMS message, the encryption identifier comprising a marker in an IE data field, the IE group further comprising an Information Element Identifier (IEI) field set to indicate a presence of the marker, and an Information Element Data Length (IEDL) field set to indicate a length of the marker.” Applicants agree.

To overcome this glaring deficiency of Jobst and Koukoulidis, the Examiner relies on the teachings of Stephenson as allegedly disclosing the claimed “means for setting an encryption identifier in an Information Element (IE) group of the UDH of the SMS message, the encryption identifier comprising a marker in an IE data field, ...”

Applicants disagree and submit that Stephenson does not disclose the **provision/setting of an encryption identifier in an IE group of an UDH of an SMS message** as claimed. On the contrary, the cited sections of Stephenson are directed to Base Station Subsystem Application Part (BSSAP) messages between base station subsystems (BSSs) and mobile switching centres (MSCs).

Unlike Jobst, Koukoulidis, and Stephenson, the present invention takes advantage of a free Information Element (IE) group in the a User Data Header (UDH) of an SMS message to provide for the encryption/decryption of the text data field of the SMS message.

Berry fails to remedy the deficiencies of Jobst, Koukoulidis, and Stephenson.

Accordingly, since Jobst, Koukoulidis, Stephenson, and Berry, taken alone or in any combination, fail to teach or suggest each and every feature of independent claim 1 as required by 35 U.S.C. 103(a), Applicants respectfully submit that independent claim 1 and its corresponding dependent claims are allowable. Applicants further submit that

independent claims 11, 15, and 16, and any corresponding dependent claims are allowable for reasons similar to those set forth above with regard to independent claim 1.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

/ John A. Merecki /

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